

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Carlos Gause

Docket No. 7:16-CR-73-1BO

Petition for Action on Supervised Release

COMES NOW David W. Leake, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Carlos Gause, who, upon an earlier plea of guilty to Use of Counterfeit Access Device to Defraud, 18 U.S.C. §§ 1029(a)(1) and (c)(1)(A)(i), was sentenced in the Northern District of West Virginia by the Honorable Gina M. Groh, U.S. District Judge, on March 4, 2013, to the custody of the Bureau of Prisons for a term of 46 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Carlos Gause was released from custody on October 1, 2015, at which time the term of supervised release commenced. On July 1, 2016, jurisdiction was transferred to the Eastern District of North Carolina and the case was assigned to the Honorable Terrence W. Boyle, U.S. District Judge.

A Violation Report was submitted to the Northern District of West Virginia on June 6, 2016, advising the court that the defendant submitted to a urine test on May 18, 2016, which was confirmed positive for cocaine by Alere Laboratories. As the defendant had been referred for substance abuse treatment following the positive test, the court approved that no further action be taken.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

The defendant submitted to a urine test on September 7, 2016, which was confirmed positive for cocaine by Alere Laboratories. On September 30, 2016, the defendant was confronted and acknowledged the validity of the urine test. To address the positive drug test, a 4-day jail term to be arranged by the Bureau of Prisons is recommended. Additionally, the defendant will remain in substance abuse treatment and will be placed in the Surprise Urinalysis Program which will require more frequent drug testing. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 4 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ David W. Leake
David W. Leake
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2045
Executed On: October 3, 2016

ORDER OF THE COURT

Considered and ordered this 3 day of October, 2016, and ordered filed and
made a part of the records in the above case.

Terrence Boyle
Terrence W. Boyle
U.S. District Judge